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CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612
Office of the City Attorney (510) 238-3601
John A. Russo FAX: (510) 238-6500
City Attorney TTY/TOD: (510) 238-3254

April 5, 2011

Honorable City Council
City Hall
Oakland, California

Re: An Ordinance Adding Section 3.08.015 to Chapter 3.08 of the Oakland Municipal Code, Entitled "Elections," to Authorize the City Council to Call a Special Election on July 12, 2011

Dear President Reid and Members of the City Council:

At its April 5, 2011 regular meeting, the City Council will consider passing a motion to introduce an ordinance that will add a new section 3.08.015 to Chapter 3.08 of the Oakland Municipal Code, entitled "Elections."

The Oakland City Charter, Article XI provides that the City's elections will be conducted in accordance with applicable provisions of state law, except to the extent that the Council may provide otherwise by ordinance or in the City Charter. (City Charter Section 1103.)

New section 3.08.015 of the Oakland Municipal Code would authorize the City Council to call a special municipal election on a specific date that the Council would need to identify before the introduction of the ordinance. We understand that July 12, 2011 is the date that the City is contemplating for the special election. The special municipal election date must be at least 88 days after the date that the Council calls the election. The ordinance further authorizes the City Council to use alternative voting procedures to conduct the election, including mail ballot voting, electronic voting and extended voting periods, and/or traditional in-person voting at polling places.

Respectfully submitted,

for Barbara J. Parker
John A. Russo
City Attorney

Attorney Assigned:
Barbara J. Parker

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Approved as to Form and Legality


City Attorney

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE NO. _____ C.M.S.

An Ordinance Adding Section 3.08.015 to Chapter 3.08 of the Oakland Municipal Code, Entitled "Elections," to Authorize the City Council to Call a Special Municipal Election on July 12, 2011

WHEREAS, the California Constitution, Article XI, section 5(b) grants chartered cities the power to provide in their charters for the conduct of city elections; and

WHEREAS, Oakland City Charter section 1103 provides that all elections and procedures relating thereto shall be in accordance with the applicable provisions of state law, except as otherwise may be provided by ordinance or the City Charter; and

WHEREAS, the Oakland Municipal Code Chapter 3.08 entitled, "Elections," includes provisions that the City Council has adopted to govern municipal elections; and

WHEREAS, the City Council desires to amend Chapter 3.08 to add a new section 3.08.015 that will authorize the Council to call a special election on July 12, 2011, provided that such election date is not less than 88 days before the date on which the Council calls the election; and

WHEREAS, the City Council further desires to have the option to utilize alternative voting procedures, including but not limited to mail ballot voting, electronic voting, and extended voting periods in conducting special elections in addition to traditional in-person voting at polling places;

Now Therefore the City Council of the City of Oakland does ordain as follows:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

Section 2. The Municipal Code hereby is amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in bold type; additions are indicated by underscoring and deletions are indicated by strike through type; portions of Chapter 3.08 what are not cited or shown in underscoring or strike-through type are not changed.

Section 3. New Section 3.08.015 hereby is added to Chapter 3.08 of the Oakland Municipal Code.

ARTICLE 1. General Provisions

Section 3.08.015 2011 Special Municipal Election

The City Council shall have the power to call a special municipal election by resolution for July 12, 2011, provided that the election date must be at least 88 days after the date that the City Council calls the election and, notwithstanding any other provision of the State of California Elections Code. Further, for purposes of the special election, the City Council shall have the power and may exercise the option to utilize alternative voting procedures, including but not limited to mail ballot voting, electronic voting, and extended voting periods and/or traditional in-person voting at polling places.

IN COUNCIL, OAKLAND, CALIFORNIA _____

PASSED BY THE FOLLOWING VOTE:

BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND
PRESIDENT REID

AYES

NOES

ABSENT

ABSTENTION

ATTEST _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
Of the City of Oakland, California